

From: Carl Friedberg
To: Microsoft ATR
Date: 1/11/02 5:15pm
Subject: Proposed settlement

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Dear Renata Hesse,

I am a physicist who has worked with computers, computer operating systems, and applications, since 1961. I am not a legal specialist.

I have read carefully the proposed settlement between some of the states and the US, and Microsoft.

I am astounded that, although found guilty of violating the Anti-Trust statutes, there is no direct provision for any punishment of Microsoft.

The only recourse I have is to initiate civil litigation against Microsoft in the hope of recovering treble damages. Because of the difficulty and expense of such litigation, this recourse is of little use or value to any user who has suffer damage from Microsoft's Windows monopoly, and the resulting lack of choice in the desktop marketplace.

We, the users of desktop computer operating systems, deserve better from our government. Where is Microsoft being punished for willful, illegal actions? Forcing them to open up certain Windows and Middleware APIs is not punishment; it is merely an attempt to slow them down from increasing their 95% dominance in the marketplace to 100% dominance.

I hope the Honorable Judge of the US Court will take into account the concerns of those states which are not parties to the proposed settlement, and punish the guilty party here. Microsoft deserves significant punishment; there is none, that I can see, in the proposed settlement.

Restraining future monopolistic activities is essential, because Microsoft is a huge force in this marketplace, and has reaped enormous improper gains.

Just look at the amount of cash Microsoft has accumulated, which can be used at will to thwart legitimate competitors. Even a casual reading of

the US tax code suggests that the amount of cash amassed by Microsoft exceeds a reasonable number, and should instead be distributed as dividends to shareholders (and taxed). This solution, while perhaps a bit stretched in legal terms, could certainly be held over Microsoft's head as a stick -- and they could agree to declare some dividend (perhaps only \$10 or 20 billion dollars per year) as a token of punishment for their illegal behavior. What a punishment!

I hope you will consider some appropriate form of punishment, in addition to the proposed restraints.

Thank you.

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